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October 27, 2021

Via ECF

United States Magistrate Judge Katherine H. Parker
United States District Court
Southern District of New York

APPLICATION DENIED

KATHARINE H. PARKER
United States Magistrate Judge
10/28/2021

Re: *Ramon De Gabriel Rivera v. Lettire Construction Corp., Mott Center LLC, Redfern FRP LLC, and Phipps Houses*
Case No. 1:21-cv-06006-AJN

Dear Judge Parker:

This office is counsel for defendants Lettire Construction Corp., Mott Center LLC, Redfern FRP LLC, and Phipps Houses ("Defendants") in the above-referenced action. Pursuant to Your Honor's Individual Rules and Practices, we write to request an adjournment of the Initial Case Management Conference set for November 3, 2021.

On October 18, 2021, defendants filed and served their Motion to Dismiss plaintiff's Complaint for lack of subject matter jurisdiction. The return date is set for November 15, 2021 and plaintiff has not yet submitted any opposition to the aforementioned motion. It would therefore be inappropriate for defendants to enter into a discovery order when they have not even interposed an answer in this action.

A request for plaintiff's consent to adjourn the upcoming Initial Case Management Conference was made via email on October 26, 2021, which was swiftly rejected by plaintiff's counsel. No reason for the rejection was provided.

No prior requests for an adjournment of any case management conferences have been made by defendants in this litigation. Additionally, no other dates would be affected by the requested extension except for those mentioned in the preceding paragraph.

Thank you for your time and consideration.



Respectfully submitted,

Ropers Majeski PC

Billy H. Kim

BHK

CC:

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